

AUG - 6 2001

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
2000 Biennial Regulatory Review)	CC Docket No. 00-257
Review of Policies and Rules Concerning)	
Unauthorized Changes of Consumers)	
Long Distance Carriers)	
)	
Implementation of the Subscriber Carrier)	
Selection Changes Provisions of the)	
Telecommunications Act of 1996)	
)	
Policies and Rules Concerning)	CC Docket No. 94-129/
Unauthorized Changes of Consumers)	
Long Distance Carriers)	
)	

REPLY TO OPPOSITIONS TO SBC COMMUNICATIONS INC'S PETITION FOR RECONSIDERATION

SBC Communications Inc (SBC) hereby replies to the oppositions filed by Sprint Corporation (Sprint) and WorldCom, Inc. (WorldCom) in response to SBC's Petition for Reconsideration (Petition) filed in the foregoing docket.¹ At the outset, SBC would like to clarify its proposal for modification of 64.1120(e)(3)(v) of the Commission's rules.² SBC proposes that the Commission modify section 64.1120(e)(3)(v) to provide that acquiring carriers should inform subscribers in the notice that:

¹ In the Matter of 2000 Biennial Review, Review of Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers; Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996, CC Docket Nos. 00-257, 94-129 (rel. May 15, 2001) (Fourth Report and Order).

² 47 C.F.R. § 64.1120(e)(3)(v).

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1. "...; existing preferred carrier freezes on the service(s) involved in the transfer will be lifted; and the subscribers must contact their local service providers to arrange a new freeze;" or
2. "...; *existing preferred carrier freezes on the service(s) involved in the transfer will remain in place after the transfer; and the subscribers must contact their local service providers to remove the freeze.*

SBC's proposal does not impact any of the other notification requirements set forth in Section 64.1120(e)(3)(i-viii) of the Commission's rules.³

SBC opposes Sprint's assertions that SBC's proposal would "engender customer confusion." Contrary to SBC's claims, the acquiring carrier would **not** notify "customers that their preferred carrier freezes would be removed unless the executing LEC . . . employed 'mechanized processes or other methods' that allowed it to 'bypass the freeze.'"⁴ Rather, the notification letter would inform subscribers that any freeze(s) on their account(s) will be lifted and they must contact their local provider to establish a new freeze **or** the notification letter would inform subscribers that any freezes on their account(s) will remain in place after the transfer and they must contact their local provider to lift the freeze. Either way, customers are fully informed about the status of their freezes. Sprint has offered no justification as to why such subscriber notification is inconsistent with Section 258 or not in the public interest.

³ WorldCom claims, "informing customers that their existing freeze protections will remain in place after the transfer, as SBC suggests, is not the same as informing customer that they have the right to choose an alternative carrier." Worldcom Opposition at 2. WorldCom has mischaracterized SBC's proposal. Acquiring carriers would continue to advise carriers of their right to select a different preferred carrier, as required under section 64.1120(e)(3)(iv).

⁴ Sprint Opposition at 3.

Sprint also claims that acquiring carriers may not know if an executing carrier has employed a process allowing it to bypass freeze, which could result in customers having to determine if their freezes are still in place.⁵ SBC disagrees. In SBC's experience as an executing carrier, acquiring carriers apprise SBC of a pending transfer more than 30 days, and generally several months, prior to the planned transfer.⁶ This time is necessary to afford both the acquiring and executing carrier sufficient time to prepare for and effectuate the transfer. Once SBC is notified of a planned transfer, SBC and the acquiring carrier negotiate regarding the timing of and procedures for the transfer. If SBC's proposal were adopted, SBC would notify the acquiring carrier during such negotiations if it intended to effect the transfer without removing any freeze protection.⁷ Accordingly, the acquiring carrier would have ample notice to enable it to accurately inform affected subscribers in the notification letter whether their freeze protection would remain in place after the transfer.

Further, contrary to Sprint and WorldCom's claims, the customer does decide whether to keep a freeze on his/her account after the transfer. To the extent a customer does not want freeze protection after the transfer, that customer can contact his/her local service provider and lift the freeze. The Commission has concluded that its notification procedures are sufficient to give frozen subscribers adequate "notice of the need to contact their local service providers if they wish to continue to have preferred carrier freeze protection for the service(s) involved in the

⁵ *Id.*

⁶ Default transfers are the exception. In most instances, waivers have been and likely will continue to be necessary in the default transfer context because the exiting carrier often leaves with little or no notice. In such instances, the acquiring default carrier would not be able to comply with the 30-day notification requirements.


⁷ Currently, SBC's mechanized bulk transfer process is available only for subscriber transfers between interexchange carriers and is not applicable to resale lines.

transfer after the transfer occurs.”⁸ The same analysis applies where subscribers are given notice that their freeze protection will remain in place after the transfer and they must contact their local provider if they wish to remove the protection. In both instances, subscribers have notice and the ability to make an informed decision regarding their freeze protection. A subscriber’s decision not to lift a freeze is a decision to retain the freeze. Thus, the customer—not the LEC—ultimately decides whether or not to remove his/her freeze protection in light of the transfer.

For these reasons, SBC requests that the Commission grant its Petition and modify Section 64.1120(e)(3)(v) as discussed herein.

Respectfully Submitted,

SBC COMMUNICATIONS INC.

By 

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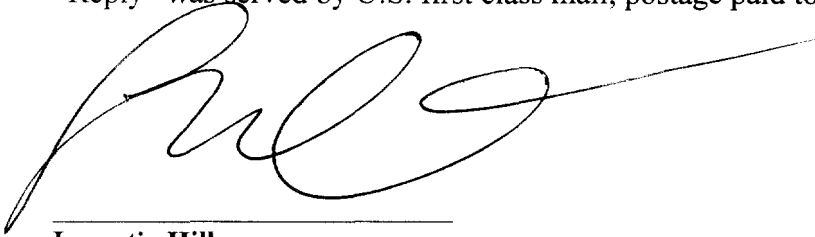
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⁸ Fourth Report and Order ¶28.

CERTIFICATE OF SERVICE

I, Loretia Hill, do hereby certify that on this 6th day of August a copy of the foregoing
"Reply" was served by U.S. first class mail, postage paid to the parties on the attached sheets.

A handwritten signature in black ink, appearing to read 'Loretia Hill', written over a horizontal line.

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